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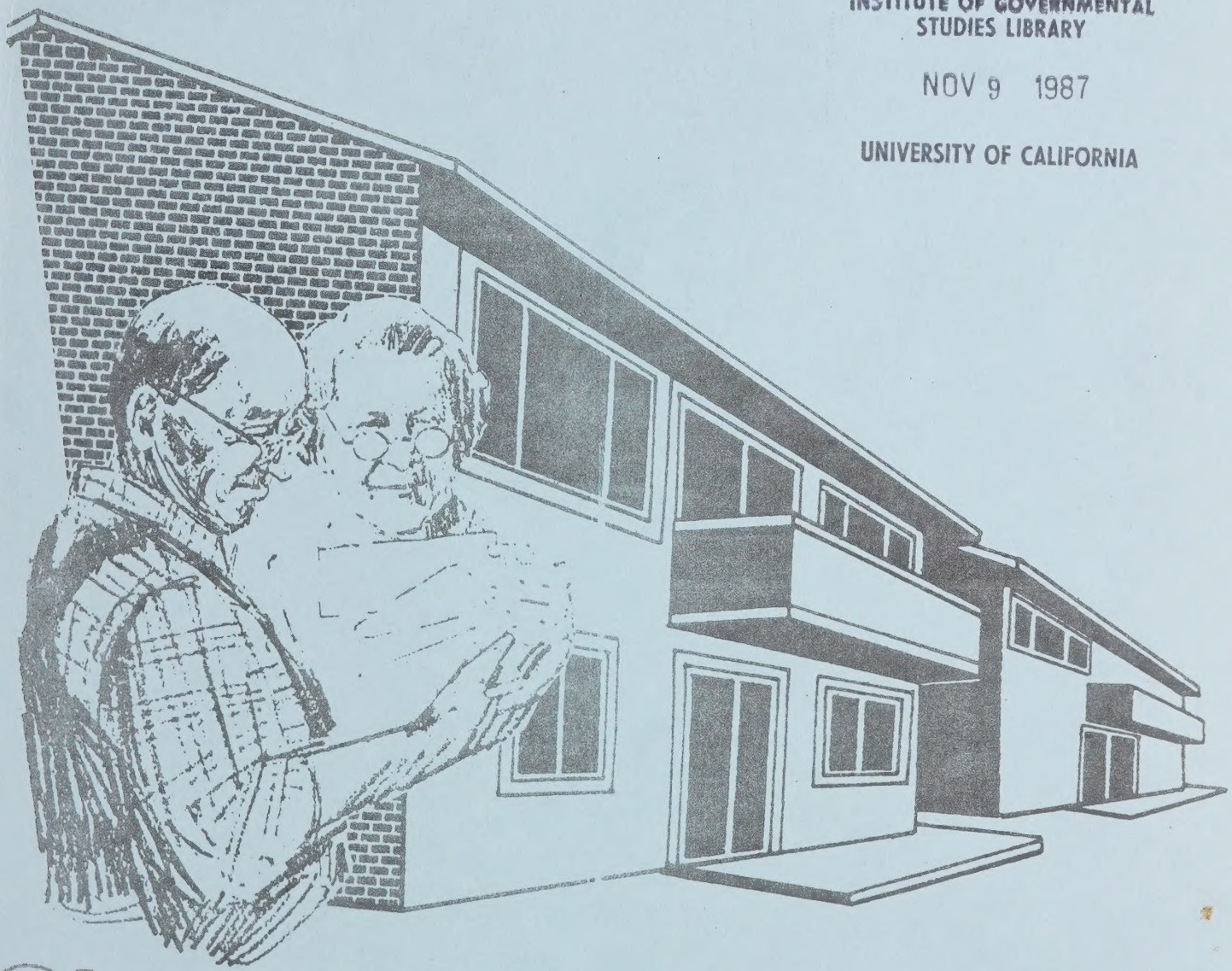
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TALBERT - BEACH REDEVELOPMENT PROJECT

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City of
Huntington Beach

REDEVELOPMENT PLAN
FOR THE
TALBERT-BEACH REDEVELOPMENT PROJECT
HUNTINGTON BEACH, CALIFORNIA

September, 1982

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1.0 INTRODUCTION

1.1 Introduction to the Redevelopment Plan

Prepared by the Huntington Beach Redevelopment Agency, this Redevelopment Plan is for the Talbert-Beach Redevelopment Project in the City of Huntington Beach. This Redevelopment Plan has been prepared pursuant to the California Community Redevelopment Law of the State of California, Health and Safety Code, Section 33000 et seq., the California Constitution and all applicable local laws and ordinances.

The proposed redevelopment of the Talbert-Beach Redevelopment Project Area as described in this Plan conforms to the General Plan for the City of Huntington Beach adopted by the City Council and as thereafter amended.

This Proposed Redevelopment Plan is based on a Preliminary Redevelopment Plan approved by the Planning Commission on April 20, 1982.

1.2 General Definitions

The following definitions will govern in the context of this Redevelopment Plan unless otherwise indicated in the text.

"Agency" means Huntington Beach Redevelopment Agency, Huntington Beach, California or any successor in interest (e.g., C.D.C.).

"City" means the City of Huntington Beach, California.

"City Council" means the City Council of the City of Huntington Beach, California.

"County" means the County of Orange, California.

"Legal Description" means a description of the land within the Project Area prepared in accordance with map specifications approved by the California State Board of Equalization and attached hereto as Exhibit "B".

"Map" means the Redevelopment Plan Map for the Talbert-Beach Redevelopment Project, attached hereto as Exhibit "A".

"Person" means any individual, or any public or private entity.

"Plan" means the Redevelopment Plan for the Talbert-Beach Redevelopment Project in the City of Huntington Beach, California.

"Planning Commission" means the City Planning Commission of the City of Huntington Beach, California.

"Project" means any undertaking of the Agency pursuant to the Redevelopment Law, and this Plan, or any amendments thereto.

"Project Area" means the area included within the boundaries of the Talbert-Beach Redevelopment Project area as described on the map attached hereto as Exhibit "A" and the legal description attached hereto as Exhibit "B".

"Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000 et seq.), as amended to date.

"State" means the State of California.

"Tax Increments" means taxes allocated to a special fund of the Agency in the manner provided by Sections 33670 to 33677, inclusive, of the Community Redevelopment Law and Article XVI, Section 16, of the California Constitution.

1.3 Project Area Boundaries

The boundaries of the Project Area are set forth on the map attached hereto as Exhibit "A". The legal description of the Project Area is attached hereto as Exhibit "B".

1.4 Administration and Enforcement of the Plan

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

1.5 Duration of Plan

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for 35 years from the date of adoption of this Plan by the City Council or until all outstanding indebtedness of the Agency shall be retired, whichever is later.

1.6 Procedure for Amending Plan

This Plan may be amended by means of the procedure established in the Redevelopment Law or by any other procedure hereafter established by law.

2.0 REDEVELOPMENT OBJECTIVES AND PROPOSED ACTIONS

2.1 General Objectives of Redevelopment Plan

In creating the Huntington Beach Redevelopment Agency, the City Council of the City of Huntington Beach declared its desire to improve, upgrade, and revitalize all areas of the City and in particular those areas within the City which have become blighted because of deterioration, disuse and economic, physical and social maladjustments. As a part of the City's ongoing redevelopment efforts, the Huntington Beach Redevelopment Agency has prepared this Plan for the Talbert-Beach Redevelopment Project Area.

Accordingly, the objectives of this Redevelopment Project are as follows:

- Eliminating blighting influences, including deteriorating buildings, incompatible and uneconomic land uses, inadequate public improvements, obsolete structures, and other physical, economic and social deficiencies; improve the overall appearance of streets, parking areas and other facilities, public and private; and assure that all buildings are safe for persons to occupy.
- Encouraging existing owners, businesses and tenants within the Project Area to participate in redevelopment activities.
- Providing adequate parcels and required public improvements so as to encourage new construction by private enterprise, thereby providing the City of Huntington Beach with an improved economic base.
- Mitigating development limitations which have resulted in the lack of proper utilization of the Project Area to such an extent that it constitutes a serious physical, social, and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.
- Providing adequate public improvements, public facilities, open spaces, and utilities which cannot be remedied by private or governmental action without redevelopment.
- Providing construction and employment opportunities in the development of these facilities and by providing employment opportunities in the operation of the proposed industrial facilities.
- Implementing the construction or reconstruction of adequate streets, curbs, gutters, street lights, storm drains, and other improvements as necessary to assist development of the Project Area to conform to the General Plan as a master-planned development and to correct existing environmental deficiencies.
- Establishing development criteria and controls for the permitted uses within the Project Area in accordance with modern and competitive development practices, thus assuring the highest design standards and environmental quality.
- Providing for relocation assistance and benefits to Project Area residences which may be displaced, in accordance with the provisions of the Community Redevelopment Law and the government code of the State of California.

To obtain the objectives of this Plan as set forth, the Agency is authorized to undertake most or all of the following implementing actions:

- Acquisition of property.
- Participation by owners and tenants in the redevelopment project.

- Relocation assistance to displaced residential occupants as required by law.
- Development of adequate parking, landscaping, public improvements and facilities.
- Demolition clearance of properties acquired, and site preparation.
- Other actions as appropriate, including, but not limited to, actions to assist property owners and tenants in the improvement of their properties to carry out the objectives of the redevelopment plan.
- Assist in providing financing for private and public development in the Project Area.

2.2 Participation by Owners and Tenants

2.2.1 Rules for Participation Opportunities and Re-Entry Preferences

Participation opportunities shall necessarily be subject to and limited by such factors as the land uses designated for the Project Area; the provision of public facilities; realignment of streets if required; the ability of owners to finance acquisition and development of structures in accordance with the Plan; and any change in the total number of individual parcels in the Project Area.

In order to provide an opportunity to owners and tenants to participate in the growth and development of the Project Area, the Agency shall promulgate rules for owner and tenant participation. If conflicts develop between the desires of participants for particular sites or land uses, the Agency shall establish reasonable priorities and preferences among the owners and tenants. Some of the factors to be considered in establishing these priorities and preferences should include present occupancy, participant's length of residency or occupancy in the area, accommodation of as many participants as possible, similar land use to similar land use, conformity of participants' proposals with the intent and objectives of the Redevelopment Plan, ability to finance the implementation, development experience and total effectiveness of participants' proposal in providing a service to the community.

Owner participant priorities shall take effect at the time that the Redevelopment Plan is adopted by the Huntington Beach City Council.

In addition to opportunities for participation by individual persons and firms, participation to the extent it is feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities.

The Agency shall upon the request of any conforming owner issue to such owner within the first twelve months after the adoption of the Plan a certificate of conformity in a form suitable for recordation with the County Recorder's Office. The Agency shall not use eminent

domain to acquire property owned by conforming owners so long as use conforms to Plan. In the event that the Redevelopment Plan is amended after a duly noticed - public hearing to change the requirements for the property, such otherwise conforming owners may be required to enter into an Owner-Participation Agreement with the Agency.

In the event any of the conforming owners desires to construct additional improvements or substantially alter or modify existing structures on any of the real property previously described as conforming, or acquire additional real property within the Project Area, then such conforming owner may be required to enter into a participation agreement with the Agency in the same manner as required for other owners.

2.2.2 Participation Agreements

The Agency may require each participant to enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with the Plan and to be subject to the provisions in the Participation Agreement. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as is necessary to make the provisions of this Plan applicable to their properties.

2.3 Rehabilitation and Conservation of Structures

2.3.1 Rehabilitation of Structures

While no rehabilitation of structures is anticipated for the Talbert-Beach Redevelopment area, the Agency will be authorized to rehabilitate and conserve, or to cause to be rehabilitated, any building or structure in the Project Area owned or acquired by the Agency.

2.3.2 Moving of Structures

As is necessary in carrying out this Plan and where it is economically feasible to do so, the Agency is authorized in its discretion to move or cause to be moved any standard structure or building which can be rehabilitated to a location within or outside the Project Area and dispose of such structures in conformance with the Law and this Plan.

2.4 Acquisition of Property

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area, by gift, devise, exchange, purchase, eminent domain, or any other lawful method.

It is in the public interest and may be necessary in some instances, in order to eliminate the conditions requiring redevelopment and in order to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area. The Agency shall commence eminent domain proceedings to acquire property within the Project Area within twelve (12) years after the adoption of the Plan.

The Agency is not authorized by law to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire private property which was formerly public property by being transferred by deed, lease, or otherwise to private ownership or control before the Agency completes land disposition within the entire Project Area if the Agency and the private owner do not enter into a participation agreement.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires substantial structural alteration, improvement, modernization, or rehabilitation to assure that such building is safe for people and/or businesses to occupy, or (2) the site or lot on which the building is situated required modification in size, shape or use, or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement. The Agency shall define the circumstances to which this section is applicable.

The Agency may, in its sole and absolute discretion, determine that certain real property within the Project Area and the owners of such property will be permitted to remain as conforming owners without an owner participation agreement with the Agency, provided such owners continue to operate, use and maintain real property within the requirements of the Plan. However, conforming owners may be required by the Agency to enter into an Owner Participation Agreement with the Agency in the event that such owners desire to (1) construct any additional improvements or substantially alter or modify existing structures or any of the real property described above as conforming, or (2) acquire additional property within the Project Area.

Generally, personal property shall not be acquired. However, where necessary, in the execution of the Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

2.5 Relocation Assistance to Displaced Residential and Nonresidential Occupants

The Agency shall assist all families, individuals, or other entities displaced by the project in finding other locations and facilities. In order to carry out the project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs. The Agency may provide by acquisition, construction leasing, rehabilitation, loans and grants, or other means, housing inside or outside the Project Area for displaced persons, and to meet housing replacement requirements of state law.

The Agency shall make relocation payments to persons (including families, business concerns, and others) displaced by the project, for moving expenses and direct losses of personal property (businesses only) for which reimbursement or compensation is not otherwise made. In addition, the Agency will reimburse owners for certain settlement costs incurred in the sale of their property to the Agency, and make additional relocation payments to those eligible therefor. Such relocation payments shall be made pursuant to Agency rules and regulations and the relocation provisions of the Government Code of the State of California. The Agency may make such other payments as may be appropriate and for which funds are available. The Agency shall make an extensive effort to relocate existing residential tenants within the City of Huntington Beach.

2.6 Demolition, Clearance, Public Improvements and Site Preparation

The Agency is authorized to demolish and clear or move buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

If in implementing this Plan any dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of the redevelopment project, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency, in accordance with all of the provisions of Sections 33413 and 33413.5 of the State Health and Safety Code.

The Agency is authorized to install and construct or cause to be installed and constructed temporary public improvements and temporary public utilities necessary to carry out the Plan. Such temporary public improvements may include but are not limited to traffic signals, streets, and utilities. Temporary utilities may be installed above ground.

The Agency is authorized to install and construct or to cause to be installed and constructed with the consent of the City Council of the City of Huntington Beach the public improvements and public utilities (within or outside the Project Area) necessary to carry out the Plan and to pay for part or all of the value therefor, if the City Council finds and determines (1) that such public improvements are of benefit to the Project Area or to the immediate neighborhood in which the project is located, and (2) no other reasonable means of financing such public improvements are available to the Community. Such public improvements may include, but are not limited to, pedestrian walkways, bikeways, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, water distribution systems, plazas, parks and playgrounds.

It is anticipated that the Agency will construct and provide the streets, sidewalks, curbs and gutters, street lights, underground utilities and landscaping within the public rights-of-way which are within the Project Area.

The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project Area owned by the Agency.

When the value of such land or the cost of the installation and construction of such facility, structure, or other improvement, or both, has been or will be, paid or provided for initially by the City or other public corporation, the Agency may enter into a contract with the City or other public corporation under which it agrees to reimburse the City or other public corporation for all or part of the value of such land or all or part of the cost of such facility, structure, or other improvement, or both, by periodic payments over a period of years.

2.7 Disposition and Redevelopment of Agency Property for Uses in Accordance with this Plan

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

To the extent permitted by law, the Agency is authorized to dispose of real property by leases, trades or sales by negotiation without public bidding.

All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that developments are carried out pursuant to this Plan.

All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, sex, color, age, religion, marital status, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sub-lease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct, any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity to the extent where such improvement would be of benefit to the Project Area.

During the period of development in the Project Area, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with disposition and development documents and time schedules.

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

3.0 REDEVELOPMENT PLAN IMPLEMENTATION

3.1 Cooperation with City

Subject to any limitation in law, the City shall aid and cooperate with the Agency in carrying out this Plan and shall take any further action necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread of blight or those conditions which caused the blight in the Project Area. Actions by the City shall include but are not necessarily limited to the following:

- Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City may include the abandonment and relocation of public utilities in the public rights-of-way as necessary and appropriate to carry out this Plan.
- Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.

- Revision of zoning, if necessary, within the Project Area to permit the land uses and development authorized by this Plan.
- Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- Referral to the Agency for review and recommendation of all conceptual plans and amendments to said plans pertaining to land use and development in the Project Area. Referral shall be made to the Agency prior to application approval by the City.
- The City is authorized, but not obligated to provide and expend funds to ensure the completion of the project as a whole in accordance with this Plan. The obligation of the City to perform the actions indicated in this section shall, except for the obligation to provide administrative enforcement of the Plan as described in Section 3.1 hereof, be contingent upon the continued availability of funding for this project primarily from tax increment revenues as defined in Method for Financing herein. In the event that such funds, at any time, become unavailable for the carrying out and completion of this project, the obligation of the City shall thereafter be limited to providing assistance in the form of funds necessary to pay administrative and overhead costs in connection with the termination or completion of the project. Such termination or completion shall be limited solely to those activities previously commenced pursuant to this Plan.
- The undertaking and completing of any other proceedings necessary to carry out the project.

3.2 Cooperation with Other Public Jurisdictions

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall impose on all public bodies the planning and design controls contained in the Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management, maintenance, and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment.

3.3 Land Uses for the Project Area

-- Private Uses

Permitted land uses within the Project Area are those residential, industrial and other uses as shall be illustrated from time to time in the General Plan of the City. Specific permitted uses within the Project Area are those that are permitted, or conditionally permitted, by the zoning ordinance contained in the Ordinance Code when the zoning ordinance conforms to the General Plan. The number of dwelling units will be in accordance with the provision of the General Plan and zoning ordinance of the City.

-- Public Uses, Public Street Layout, Rights-of-Way and Easements

The public rights-of-way, principal streets and streets that may require improvements as proposed for the Project Area are illustrated in Exhibit A.

Streets and rights-of-way may be widened, altered, abandoned, vacated, or closed by the Agency and the City as necessary for proper development of the project. Additional public streets, alleys and easements may be created by the Agency and the City in the Project Area as needed for proper development, circulation and access.

-- Semi-Public, Institutional, and Nonprofit Uses

The Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or nonprofit uses, including, but not necessarily limited to, educational, fraternal, employee institutions, and facilities of other similar associations or organizations in appropriate portions of the Project Area. All such uses, if allowed by the Agency, shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency shall impose such other reasonable restrictions upon such uses as are necessary to protect the development and use of the Project Area.

3.4 General Development Standards and Requirements

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. Furthermore, the Agency may, if it deems appropriate and/or necessary, specify requirements in excess of those described herein or specified by state and local laws. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Plan except with approval of the Agency and in conformance with the provisions of this Plan.

-- Construction

All construction, whether new or rehabilitation, in the Project Area shall comply with all applicable state and local laws in effect from time to time including, but not necessarily limited to, fire, building, housing, electrical, heating, grading, plumbing and mechanical, sign and zoning codes of the City of Huntington Beach.

-- Rehabilitation and Retention of Existing Conforming Uses

Although the Agency does not anticipate that any existing structures within the Project Area will meet the standards for rehabilitation they, with Agency approval, may be repaired, altered, reconstructed, or rehabilitated, if necessary, in such manner that will meet the following requirements:

- Be safe, sanitary, and sound in all physical respects;
- Shall conform to the seismic requirements and the rehabilitation requirements of the building code for the City of Huntington Beach.
- Shall conform to all codes for the City of Huntington Beach.
- Shall be comparable in appearance to the architecture of the on-site proposed new structures.

-- Retention of Existing Nonconforming Uses

The Agency is authorized to permit an existing use to remain in an existing building in decent, safe, and sanitary condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with the developments and uses in the Project Area. The owner of such a property must be willing to enter into a Participation Agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

The Agency is also authorized to permit an existing use in an existing building not in decent, safe, and sanitary condition, which use does not conform to the provision of this Plan, provided that such buildings are rehabilitated to a decent, safe and sanitary condition, as determined by the Agency, and provided that such a use is generally compatible with development and uses in the Project Area. The owner of such a property must be willing to enter into a Participation Agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

-- Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas, structures or uses shall be permitted in any part of the Project Area.

-- Subdivision or Consolidation of Parcels

No parcels in the Project Area, including any parcels retained by a participant, shall be subdivided or consolidated without the prior approval of the Agency.

-- Limitation of Building Density

The number of buildings in the Project Area will be consistent with building intensities permitted pursuant to existing or revised local zoning ordinances for the City of Huntington Beach and this Plan.

-- Limitation on Type, Size and Height of Buildings

The height, type and size of buildings shall be limited by applicable state statutes and local zoning, building, and other applicable codes and ordinances and this plan. Where a conflict exists between such local codes and ordinances and specific provisions of this Plan, the Plan shall supersede.

All new buildings built within the Project Area shall complement the overall aesthetic and physical scale of the existing buildings within and adjacent to the Project Area.

-- Open Space, Landscaping, and Parking

An approximate amount of open space is to be provided in the Project Area as required by City codes and ordinances and the Plan.

Within the Project Area, both public and private streets, public and private parking and private streets shall be provided for in each development consistent with or exceeding City codes and ordinances in effect from time to time and this Plan.

In all areas sufficient space, including open spaces, shall be maintained between buildings and structures to provide adequate light, air, and privacy.

-- Signs

Signs which create hazards or unsightly appearances by protruding, overhanging, blinking, flashing, showing animation, or other such similar conditions shall not be permitted in this Project Area. The Agency shall permit only those signs necessary for identification of buildings, premises, uses and products associated with the land parcel involved. All signs shall be submitted to the Agency and the City, as appropriate, for review and approval.

-- Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon age, race, sex, color, creed, religion, marital status, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

-- Employees and Contract Awards from the Community

Contractors and others engaged in construction and rehabilitation activities in the Project Area shall be encouraged to hire and train the maximum number of employees and trainees from within the community consistent with the objectives of this Plan. Likewise, where feasible, the Agency shall make distinct efforts to award contracts to business concerns which are located in, or substantially owned by persons residing in, the Project Area if they meet requirements stipulated by the Agency and this Plan.

-- Minor Variations

Under exceptional circumstances, the Agency is authorized to permit minor variations from the limits, restrictions, and controls established by this Plan. In order to permit such minor variations, the Agency must determine that:

- The strict application of the provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan.
- There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not generally apply to other properties having the same standards, restrictions and controls.
- Permitting a minor variation will not be materially detrimental to the public welfare or injurious to the property or improvements within or outside the Project Area.

- Permitting a minor variation will not be contrary to the objectives of this Plan.

No such minor variation shall be granted which changes a basic land use or which permits substantial departure from the provisions of this Plan. In permitting any such minor variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of this Plan. Nondiscrimination and nonsegregation restrictions shall not be subject to minor variation.

No minor variation permitted by the Agency shall be effective until conditional uses, variances, or other zoning changes, if any, have been effectuated by the City to the extent necessary to obtain consistency with such minor variations permitted by the Agency.

3.5 Methods for Project Financing

3.5.1 General Description of the Proposed Financing Method

Upon adoption of this Plan by the City Council, the Agency, if it deems appropriate, is authorized to finance this project with assistance from the City of Huntington Beach, Orange County, State of California, Federal Government of the United States of America, any other public agency, donations, special assessment districts, property tax increments, interest revenue, income revenue, Agency-issued notes and bonds, loans from private institutions, the lease of Agency-owned property, the sale of Agency-owned property, or from any other sources of financing which are legally available and do not conflict with the objectives of the Plan.

The City may supply advances and expend money as necessary to assist the Agency in carrying out this project. Such assistance shall be on terms established by an agreement between the City of Huntington Beach and the Huntington Beach Redevelopment Agency.

3.5.2 Tax Increments

Tax increment financing may not be the only source of funding for the Redevelopment Project. However, the project assessed valuation base will be established in accordance with state law as described herein. Any tax increments will be used to defray project expenses to the extent the increment by itself or from the sale of tax allocation bonds allows.

All taxes levied upon taxable property within the Talbert-Beach Redevelopment Project Area each year by or for the benefit of the State of California, County of Orange, City of Huntington Beach, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Redevelopment Plan, shall be divided as follows:

-- That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes, by or for said taxing agencies, on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessed roll of the County of Orange last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

-- That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this redevelopment project. Unless and until the total assessed value of the taxable property in the project exceeds the total assessed value of the taxable property in the project as shown on the last equalized assessment roll, all of the taxes levied and collected upon; the taxable property in the project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

-- That portion of taxes discussed in this Subsection are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making loans, or the incurring of any indebtedness, (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance in whole or in part the Talbert-Beach Redevelopment Project.

-- The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the project, subject to the limitations on allocation of taxes, debt creation, and bonded indebtedness contained in this Subsection.

3.5.3 Issuance of Bonds and Notes

The Agency may issue bonds or notes when a determination has been made that such financing is appropriate and feasible. Such bonds or notes shall be issued only after the Agency has determined that funds are, or will be, available to repay principal and interest when due and payable. In any case, the issuance of bonds or notes shall be subject to the limitations stipulated below.

Neither the members of the Agency, nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City, the State, nor are any of its political subdivisions liable for them, nor in any event, shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness with the meaning of any constitutional or statutory debt limitation or restriction.

3.5.4 Loans and Grants

Any other loans, grants, or financial assistance from the United States, or any other public or private source will be utilized if available as the Agency deems appropriate to its corporate purposes.

3.5.5 Relief of Financial Burdens

The Agency may in any year during which it owns property in a redevelopment project pay directly to any city, county, city and county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

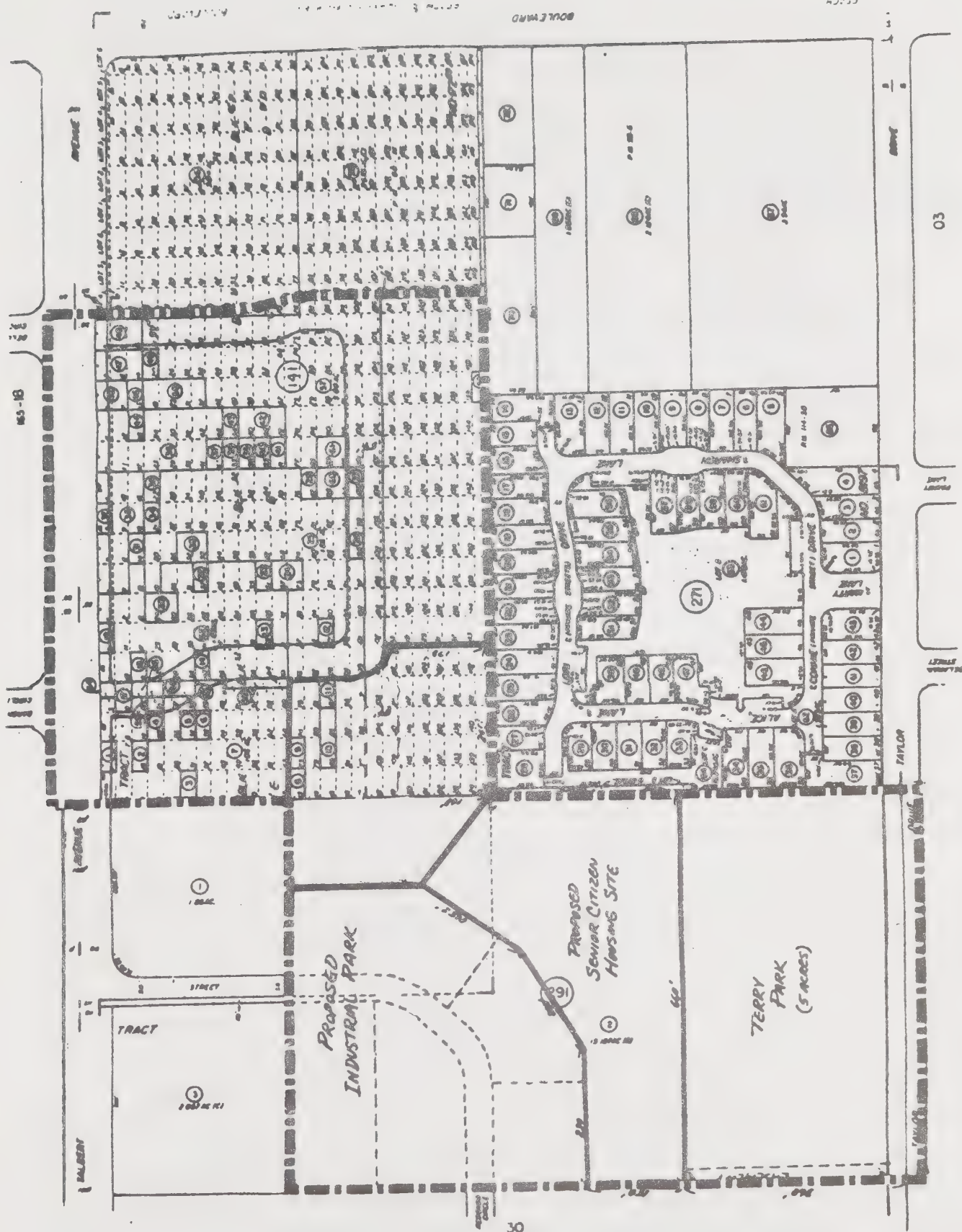
The Agency may also pay to any taxing agency with territory located within the Project Area other than the City, any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to such taxing agency by the project.

3.5.6 Financing Limitations

Consistent with Sections 33333.2 and 33334.2 of the California Community Redevelopment Law, the following limitations are imposed on this Plan.

- Taxes as defined in Section 33670 of the California Community Redevelopment Law shall not be divided and shall not be allocated to the Agency during any one fiscal (tax) year except by amendment of this Plan, in excess of \$350,000.

- No loans, advances, or indebtedness to finance, in whole or in part, the Redevelopment Project and to be repaid from the allocation of those taxes described in the beforementioned Section 33670 shall be established or incurred by the Agency beyond 20 years from the date of adoption of this Plan by the City Council unless such time limitation is extended by amendment of this Plan. However, such loans, advances, or indebtedness may be repaid over a period of time longer than such time limit.
- Without an amendment of this Plan, the amount of bonded indebtedness swerved by tax increments which the Agency shall have outstanding at any one time shall not exceed \$3,500,000.
- Not less than 20 percent of all taxes which are allocated to the Agency pursuant to Section 33670 shall be used by the Agency for the purposes of increasing and improving the community's supply of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 41056 and very low income households as defined in Section 41067, unless one of the following findings are made:
 - That no need exists in the community, the provision of which would benefit the Project Area to improve or increase the supply of housing for persons and families of low or moderate income or very low income households; or
 - That some stated percentage less than 20 percent of the taxes which are allocated to the Agency pursuant to Section 33670 is sufficient to meet such housing need; or
 - That a substantial effort to meet low and moderate income housing needs in the community is being made, and that this effort, including the obligation of funds currently available for the benefit of the community from state, local and federal sources for low and moderate income housing alone or in combination with the taxes allocated, under this section, is equivalent in impact to the funds otherwise required to be set aside pursuant to this section. The City Council of the City shall consider the need that can be reasonably foreseen because of displacement of persons of low or moderate income or very low income households from within or adjacent to the Project Area, because of increased employment opportunities, or because of any other direct or indirect result of implementation of the Redevelopment Plan.



TALBERT-BEACH PROJECT

LEGAL DESCRIPTION
TALBERT-BEACH REDEVELOPMENT PROJECT AREA

Those portions of Sections 35 and 26, Township 5 South, Range 11 West, in the Rancho La Bolsa Chica and Rancho Las Bolsas in the City of Huntington Beach, County of Orange, State of California, as shown on a map recorded in Book 51, page 13 of Miscellaneous Maps in the Office of the County Recorder of said County described as follows:

Beginning at the southeast corner of said Section 26; thence South $89^{\circ} 54' 23''$ West 1320.10 feet along the south line of said section, said south line also being the centerline of Talbert Avenue, to the True Point of Beginning, thence North $0^{\circ} 01' 16''$ East 50 feet to a line parallel with and 50 feet north measured at right angles from the centerline of Talbert Avenue; thence along said mentioned parallel line North $89^{\circ} 54' 23''$ East 800 feet to the intersection with a line parallel with and 10.00 feet east measured at right angles from the east line of Lot No. 3, Block C of Tract No. 172 as shown on a map recorded in Book 12, page 21, of Miscellaneous Maps in the office of the County Recorder of said County; thence along said mentioned parallel line South $0^{\circ} 05' 37''$ East 300 feet to a point on a curve concave easterly having a radius of 273.00 feet; thence southerly along said curve through a central angle of $15^{\circ} 33' 49''$ an arch distance of 74.1 feet to a point on a tangent reverse curve concave westerly having a radius of 327.00 feet, a radial to said point bears North $74^{\circ} 20' 34''$ East; thence southerly along said reverse curve through a central angle of $15^{\circ} 33' 49''$ an arc distance of 88.82 feet to a line parallel with and 32 feet East measured at right angles from the west line of Lot No. 82, Block C, of said mentioned Tract No. 172; thence southerly along last said mentioned parallel line south $0^{\circ} 05' 37''$ east 249 feet to the intersection with the easterly prolongation of the north boundary line of Tract No. 8197 as shown on a map recorded in Book 452, page 44 of Miscellaneous Maps in the Office of the County Recorder of said County; thence along said mentioned prolongation and northerly line south $89^{\circ} 55' 44''$ west 822 feet to the west boundary line of said Tract No. 8197; thence along said west boundary line south $0^{\circ} 01' 16''$ West 690 feet to the south right-of-way line of Taylor Drive, a street being 60 feet in width, 30 feet either side of centerline; thence along said south right-of-way line south $89^{\circ} 56' 05''$ west 660 feet to the intersection with the southerly prolongation of the east line of Parcels Nos. 7-10 as shown on a map filed in Book 79, page 15 of Parcel Maps in the Office of the County Recorder of said County; thence along said prolongation and east line north $0^{\circ} 01' 15''$ east 1014 feet to a line parallel with and 336 feet south measured at right angles from the centerline of Talbert Avenue; thence along last said mentioned parallel line

north $89^{\circ} 56' 37''$ east 660 feet to the west line of Tract No. 172; thence along said west line north $0^{\circ} 01' 16''$ east 335 feet to the True Point of Beginning.



